

Minutes of the Ogden Valley Planning Commission Regular meeting September 27, 2016, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Greg Graves, Will Haymond, Jami Taylor, John Lewis

Absent/Excused: John Howell, Robert Wood

Staff Present: Rick Grover, Planning Director; Scott Mendoza, Assist Planning Director; Ronda Kippen, Principal Planner; Charlie Ewert, Principal Planner; Llevereno, Planner II; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

****Pledge of Allegiance***

****Roll Call***

1. Consent Agenda:

1.1. UVP071316: Consideration and action for final subdivision of the Parkside PRUD Phase 1 located at The Bridges at PRUD in the Forest Residential (FR-3) and Residential Estates (RE-15) Zones. (WCU LLC and Bridges Holding Company, LLC, Applicants)

1.2 UVM071316: Consideration and action for final subdivision of the Mountainside Phase 1 PRUD located at The Bridges at PRUD in the Residential Estates (RE-15) Zone. (Bridges Holding Company, LLC, Applicant)

MOTION: Commissioner Haymond moved to approve consent agenda UVP071316 consideration and action for final subdivision approval of the Parkside PRUD Phase 1, and UVM071316 consideration and action for final subdivision of the Mountainside Phase 1 PRUD subject to all review agency requirements and based on the conditions listed in the staff report and the recommendations on the findings listed in the staff report. Commissioner Taylor seconded. A vote was taken with Commissioners Graves, Haymond, Taylor, Lewis, Wood and Chair Warburton. Motion Carried (5-0)

2. Public Comment for Items not on the Agenda: Jan Fullmer, who resides in Eden, said she has had conversations with the people at Wolf Creek, and basically they in Wolf Creek are looking for an ordinance that will make it clear cut on residential homes to support Dark Sky. It would be help with the architectural standards to have the lighting so it has to be shielded. She asked to make that request and consider that ordinance.

3. Remarks from Planning Commissioners:

4. Planning Director Report: Director Grover said in one of their bylaws in your Rules of Order; is prayer and if you would like to have evening prayer, or would you prefer to leave that in, or just throw it out. There was a discussion and Chair Warburton asked to take a vote to leave it in or take it out. Chair Warburton preferred to leave it in, Commissioners Graves had no definite choice, and Commissioners Taylor, Lewis, and Haymond preferred to take it out.

5. Remarks from Legal Counsel: Courtlan Erickson said that be going to Western Weber Planning Commission as well as Ogden Valley Planning Commission on the Rules of Order but he is still working on that.

6. Adjourn to Convene to a Work Session

WS1. DISCUSSION: Review and Discussion on Outdoor Lighting Ordinance:

Charlie Ewert said we are going to be taking the ordinance that you are looking at or some version of the ordinance that you are looking at to APA next a week from Friday to present our findings. It's not as complete as we would have otherwise hoped it would be as a model ordinance, but we're good to take it as it is with some minor modifications.

Charlie Ewert talked to the Lighting Engineer for Maverick Corporation on Friday told to him we are just trying to make an ordinance as simple as it possibly can be without any technical terms that helps them understand where light trespass. The Lighting Engineer told me that we are going to have problems with our ordinance.

Charlie Ewert talked about the key issues in the lighting ordinance:

- Ratio 4 to 1: Light Engineers like to see a 4 to 1 ratio with the brightest spot in your are shouldn't be any more than 4 times as bright as the darkest spot of that area.

- Canopy Lighting: Need to focus light, downward directional, recessed – Get to hot spots and dark spots, you move towards a light in for safety and security in the light.
- Glare is the enemy: Direct light is a blinding feature – any light can project and create reflective light.
- Midvale City: They revamped their light ordinances to bring their lighting down by about 50%. Maverick was cited for not illuminating their site for not complying with safety standards.
- Training: Mr. Ewert showed a video clip that referred to Lumens.
- Measuring Light Output: The most simplistic way to measuring light output seems to be what is on the back of the box for the light bulb, and what it can do on the property.
- Color Temperature: What is the correct color temperature – Is it too white, too blue, or the right color of yellow and is it shielded appropriately.
- Foot Candle Calculation: Instead of using the foot candle calculation that tells us what the surface area of this table gets in terms of foot candles, and just go and count the bulbs, divide it by the 8th of the area and calculate.
- Surface Calculation: Vast majority of the uses in the ordinance, can you see the bulb, does it create trespass, is it the right color. For a small handful of uses it's what is in the lumens per square foot of illuminated area ratio.
- Direct Artificial Light Source: Definition in the code, direct artificial light source, the definition directs that to this graphic to the light source. Any area that is designed to defuse the light is also direct artificial light.
- Shielding: Pictures of unshielded, shielded, and fully shielded light sources produced by IDA.
- Light Trespass: use onsite site improvement to help minimize light trespass that is downward direct.
- Color Temperature (3000 Lumens or less) – Comply if it is 3000 caliper or less. Get as close to incandescent as possible with 2800 with the new LED's.
- International Dark Skies Association: Recommends in a suburban area – no more than 8000 lumens per pump, in a rural area no more than 4000 lumens per pump.
- Canopy Lighting: It doesn't project light past the perimeter of the canopy more than five feet, and that is pretty strict. The ordinance allows the canopy to be eleven lumens per square foot of area. If there is 5,040 sq. ft. of canopy area and you divide that out and you get 10.1 lumens per sq. ft. which is under you eleven lights.
- Parking Areas: The lighting ordinance allow parking area to be lit at two lumens per square foot. If you have 60 light bulbs, 4 light bulbs per fixture, that's 8,000 lumens per bulb and 250,000 sq. ft. of parking lot, that's 1.29 lumens per sq. ft. As long as it's recessed enough into the shielding, you can get it to exactly where you want to go without significant light travel or light trespass.

Chair Warburton asked what type of lighting Nordic Valley has for night skiing, do you know? Jan Fullmer replied no, she just know that it's not what Powder Mountain adopted which is the magnetic resonance lighting that the Canadian Resort and a number of resorts in the United States, so its lighting that's glow and not glare.

Chair Warburton said so then Nordic who still hasn't complied would have to change. Mr. Ewert replied not necessarily, he called them and they are giving him their calculations. They know what their skiable terrain is, and what their desired light able area is, they just need to figure out what their bulbs are, and someone is going to get in touch with them.

Charlie Ewert said the next one is Lighting for Signs. What we are saying no internally laminating signs. You can have back lit signs, you can have reversed pan channel, but if the light goes through a translucent surface that is refracted or defused by a translucent surface, it wouldn't be permitted. So you look at White Line, all the lights are downward directed at the signage. Looking at different colors, we are saying 3,000 Kelvin or less, we're saying yellow light or less. You have the reds, the yellows, and the oranges; and anything above that spectrum wouldn't be permitted. There are pro's and con's on the tradeoffs; we lose a little bit of the ability for people to choose their own colors on their signage.

Chair Warburton said so certain colors should be, like the white light or opaque. Ms. Fullmer replied yes, and that's a classic example of misinterpretation of the earlier ordinance. If you are going to go community character; community character you banded internally illuminated signs, and they only do eternally gooseneck. I mean reverse pan channel is more of an upscale mall look. I am just not sure that's cool and the world has shifted in the last year with lighting and signage, and we have places that she would never thought would go Dark Sky like Moab, and Kanab are Dark Sky and the competition now is somewhat different. With all of these 21 Dark Sky parks here, people are pushing it further, and I do think that if we take a suburban standard, that's exactly the level of lighting that will lose us the accreditation in the parks is what the XQM's read suburban.

Charlie Ewert said it would be, so basically our ordinance currently says on this that reverse pan channel is prohibited. So I am fine if we change it to only externally illumination which would eliminate the reverse pan channel.

Commissioner Lewis said I am trying to decide but I honestly don't see how reverse pan channel or even like the Canal, that sign there, that seems a whole lot less lit up than a sign with three goosenecks lighting up the whole five foot of sign itself. In terms of lumens given off by that surface, wouldn't that be a lot less offensive as you are driving up to the neighborhood. Jan Fullmer replied if it's shielded and they're directed right at their face.

Commissioner Lewis asked isn't there's more glare like that picture there? Mr. Fullmer replied no because some of it is if our community character like for real estate to keep that rustic look its exterior. Reverse pan channel is a much scale mall; it's what Kraken Barrel looks like.

Ron Fullmer said you asked what businesses would be affected by that. The Chevron is one that we talked about but that's difficult because that is part of the town of Huntsville. That's going to be hard getting them on board and when I think of Huntsville, I think about Chris's that would be effected just by the definition.

Chair Warburton said whenever she looks at those when she is driving up to Summit. The glare of the whole thing but it bothers me and it's not very clear to me, but I like the gooseneck and it's always easier for me to see. Director Grover said on those reverse pan channel lighting that you are seeing there is white, the yellow softens it somewhat, there's pros and cons with both but sometimes it nice to have a little variety as you go through a community.

Commissioner Taylor said on gooseneck lighting, it shows off the design of the sign, you looked at the one on the brick building; it was kind of showing off the design. Director Grover replied you get variety with the designs of the signs. .

Charlie Ewert said the current ordinance say, *"External Illumination: Signs may be unlighted or lighted externally provided that the light is shielded, that the light source causes no glare, and does not encroach upon the neighboring properties or oncoming traffic. No exposed light sources are permitted. Color flashing light is prohibited. All lighting shall be shielded and directed only at the sign surface; illuminated lights shall be included with the Master Sign Plan."* With an image like this, we need to figure out what the area of the sign face is. If they did it right it should be only illuminating the sign face. If it starts illuminating the side, then you turn that gooseneck in just a little bit. You aren't able to see any of those direct light sources either.

Charlie Ewert said reverse pan channel, especially if there is no overhead shielding can produce a lot more reflective light upwards. If you look at direct light source, reverse pan channel conflicts with the definition at direct light source speed, because you are turning that wall surface into an intended reflection for the light. Where the definition says, *"any wall surface that is intended to reflect light is part of the direct light."* That by itself would say no reverse pan channel.

Director Grover said this is going to be a lot easier to enforce if we just stick with gooseneck. Mr. Ewert said that is another valid point about the entire ordinance. Just because we as the county don't have the resources, technology, or education to enforce a code, doesn't mean we can't get enforcement of the code. After discussion it was suggested to allow people to have options whether to have gooseneck or reverse pan channel.

Charlie Ewert said he would go section by section. Section 101-1-7 – Definitions:

Dark Sky: the term "dark sky" means a night-time sky that is substantially free of interference from artificial light.

Glare: the term "glare" means light originating from a direct artificial light source or any light reflected off a reflective surface that causes visual discomfort or reduced visibility.

It was suggested to revisit "glare" and get a better definition. Mr. Ewert gave an example of an applicant that came in with a CUP and conditions set to prevent glare which the applicant used anti-reflect film on the windows to prevent glare.

Light, Direct Artificial: the term "direct artificial light" means any illumination resulting from an artificial light source, as defined by this section, or from an artificial light source's luminar...of the artificial light source.

Light Pollution: the term "light pollution" means any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night-time sky.

The following were added: Light Source Artificial, Light Trespass, Lighting Outdoor, and Light, Recreation facility.

Chapter 16 (Ogden Valley Lighting)

Section 108-16-1 – Purpose and Intent: Under the purpose and intent there are eight different purposes and intent.

Section 108-16-2 – Applicability:

- (a) New Outdoor Lighting: All outdoor lighting installed after January 1, 2017, shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting except as defined by "outdoor lighting" in Section 108-1-7.
- (b) Existing Outdoor Lighting: All existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use and as such shall be scheduled for amortization as outlined in Section 18-16-7 of this Chapter.
- (c) Conflict: Should this chapter be found to be in conflict with other sections of this code, the more restrictive shall apply.

Section 108-16-3 – General Standards:

- (a) Light Shielding and Direction: Under Light Shielding and Direction there are four standards of compliance.
- (b) Light Color: Unless specifically exempted in Section 108-16-5, the color of any artificial light source shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature chart as graphically depicted in Section 108-16-12.

Section 108-16-4 – Specific Standards: Under standards there are six specific standards and substandard that applies

Section 108-16-5 – Exemptions: The following artificial light sources are exempt from the requirements of this chapter:

- (1) Federal and State Facilities Lighting: Federal and State facilities are exempt from the requirements of this chapter, however they are encouraged to cooperate and coordinate with the County the construction of their facilities in compliance with this chapter.
- (2) Fossil fuel Lighting: Fossil fuel light produced directly by the combustion of natural gas or other utility-type fossil fuels.

The following were added: (3) Historic Antique Lighting: (4) Holiday Lighting: (5) Low Output Light Source: (6) Motion Sensor Controlled Light Source: (7) Outdoor Lighting Projected from Indoors: (8) Public Art Lighting: (9) Safety or Security Lighting Exemptions: (10) Underwater Lighting: (11) Temporary Lighting: (12) Tower Lighting: (13) Traffic Control Devices:

Section 108-16-6 – Procedures for Compliance:

- (a) Applications: Any application for a permit or approval required by this Land Use Code shall contain evidence that the proposed work complies with this chapter.
- (b) Contents of Application or Submittal:
 - (1) In addition to the specific application requirements elsewhere in this Land Use Code. The application submittal shall contain the following:
 - a. Plans indicating the location of all artificial light sources on the premises, including their height above the ground.
 - b. Description of each artificial light source device and support. This description may include, but is not limited to, device specifications from the manufacturer, drawings, details, and cross section when available.
 - (2) The required plans and description set forth in subsection (b) (1) of this section shall be complete and shall be presented in a manner that clearly demonstrates compliance with this Chapter. The Land Use authority may require the applicant to submit attestation from a qualified professional that the submittal complies with this chapter.

Section 108-16-7 – Amortization of Nonconforming Outdoor Lighting: After the effect of this Chapter which is January 1, 2017, all outdoor lighting that does not comply with the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming out lighting shall be amortized in accordance with the following schedule:

The following were added: (1) Lighting Conversion: (2) Lighting Replacement: (3) Building Expansion: (4) Building Exterior Modification: (4) Building Exterior Modification: (5) Site Improvements:

Section 108-16-8 – Violations and Enforcement:

- (a) Violations: The following constitute violations of this chapter: Under this chapter are three subsections that applies
- (b) Enforcement: Violations of this chapter are subject to enforcement and penalties as outlined in this Land Use Code. Additionally, the final approval of current or future plans, the issuance of a certificate of occupancy, or the acceptance of new applications authorized by this Land use Code may be withheld until compliance with this Chapter is demonstrated.

Section 108-16-9 – Graphic Depictions of Direct Artificial Light: Mr. Ewert showed six different lighting with shielding.

Section 108-16-10 – Graphic Depictions of Unshielded and Shielded Light Sources: Mr. Ewert showed three different sources of unshielded, unshielded, and fully shielded sources. He also showed other pictures of Unshielded Lighting and Fully shielded Lighting.

Section 108-16-11 – Graphic Depiction of Light Trespass: Mr. Ewert showed three homes with light trespass and no light trespass.

Section 108-16-12 – Graphic Depiction of Standard Kelvin Temperature Chart: Mr. Ewert spoke about the Kelvin Chart.

Section 108-16-13 – Graphic Depiction of Canopy Lighting: Mr. Ewert calculated the Lumens per Square Foot Ratio.

Section 108-16-14 – Graphic Depiction of Parking Lot Lighting: Mr. Ewert explained calculated parking lot lighting.

Section 108-16-15 – Graphic Depiction of Recreation facility Lighting: Mr. Ewert indicated direct artificial light source only visible on recreation activity area. No spill-over from the recreation light source.

Chapter 2 (Ogden Valley Signs)

Section 110-2-11 – Temporary Sign Usage:

Under (3) Additional Standards: The following table applies to temporary sign usage: There were three different tables that say the same and consolidated them into 2 pages.

Section 110-2-12 – Sign Materials and Display Standards:

Under (3) External Illumination and Internal Illumination were combined into one. The rest of the sections were re-numbered.

7. **Adjournment:** There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully Submitted,



**Kary Serrano, Secretary;
Weber County Planning Commission**